

FILED

OCT 24 2005

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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 6

7 **IN THE UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**
 9 **SAN FRANCISCO DIVISION**

10 RONALD KONIECZKA, individually and on) Case No. C 05-2700 (MHP)
 11 behalf of all others similarly situated,)
 12 Plaintiff,)
 v.) **STIPULATION AND [PROPOSED]**
 13 INTEL CORPORATION, a Delaware) **ORDER TO STAY THE CASE**
 Corporation,) **MANAGEMENT CONFERENCE AND**
 14 Defendant.) **RELATED DEADLINES PENDING THE**
 15) **OUTCOME OF THE MOTION TO**
 16) **TRANSFER AND COORDINATE OR**
 17) **CONSOLIDATE PURSUANT TO**
 18) **28 U.S.C. § 1407**
 19)

20 WHEREAS, on June 30, 2005, Plaintiff filed the instant action in the Northern
 21 District of California ("Konieczka Action");

22 WHEREAS, on or about July 11, 2005, the plaintiffs in Brauch, et al. v. Intel
 Corp., No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the
 23 Judicial Panel on Multi-District Litigation ("MDL"), to transfer and coordinate or consolidate for
 24 pre-trial proceedings pursuant to 28 U.S.C. § 1407 ("MDL Motion"), and the Konieczka Action
 25 has been identified as a related action to that motion;

26 WHEREAS, on or about July 27, 2005, Judge Patel issued a Related Case Order
 27 relating this case to an earlier filed case assigned to her, and canceling or staying certain but not

1 all dates, events and deadlines in the action;

2 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

3 WHEREAS, the outcome of the MDL Motion will impact significantly the
4 schedule of this case;

5 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,
6 by and among counsel for Plaintiff Konieczka, and counsel for Defendant Intel Corporation, that
7 the case management conference currently scheduled for Monday, October 31, 2005, should be
8 stayed pending the outcome of the MDL Motion;

9 IT IS FURTHER STIPULATED by the aforementioned parties that any events,
10 dates or deadlines set by the ADR Local Rules or Federal Rules of Civil Procedure 16 and 26,
11 and any deadlines established in any case management order applicable to this case should
12 likewise be stayed pending the outcome of the aforementioned MDL Motion; and

13 IT IS FURTHER STIPULATED by the aforementioned parties that if a case
14 management conference is rescheduled by the Court, the parties shall adjust the dates for the
15 conference, disclosures and report required by Federal Rules of Civil Procedure 16 and 26
16 accordingly.

17
18 IT IS HEREBY STIPULATED.

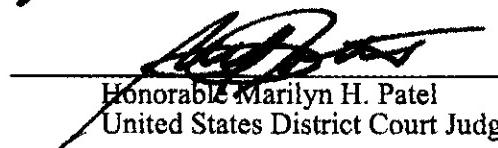
19 Dated: October 20, 2005

20 Keller Grover LLP

22 By: /s/ Jeffrey F. Keller

23 JEFFREY F. KELLER

25 Attorneys for Plaintiff Konieczka

1 Bingham McCutchen LLP
2
3 By: /s/ Joy Fuyuno
4
5 Attorneys for Defendant
6 Intel Corporation
7
8
9 [PROPOSED] ORDER TO STAY THE
10 CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES
11
12 The case management conference currently scheduled for Monday, October 31,
13 2005, is hereby stayed pending the outcome of the motion to transfer and coordinate or
14 consolidate pursuant to 28 U.S.C. § 1407 ("MDL Motion"). Any deadlines set by the ADR
15 Local Rules or Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any
16 case management order applicable to this case are likewise stayed pending the outcome of the
17 aforementioned motion.
18
19 Upon the determination of the MDL Motion, if it is necessary for the Court to
20 reschedule a case management conference, the parties shall adjust the dates for the conference,
21 disclosures and report required by Federal Rules of Civil Procedure 16 and 26 accordingly.
22 *The parties shall notify the Clerk of Court within
IT IS SO ORDERED. 10 days of the MDL's decision.*
23 Date: 10/24/05 
24 Honorable Marilyn H. Patel
25 United States District Court Judge
26
27
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